GOVERNMENT OF INDIA
PANCHAYATI RAJ
LOK SABHA

UNSTARRED QUESTION NO:2915
ANSWERED ON:10.05.2006
POWER TO PANCHAYATI RAJ INSTITUTIONS
Reddy Shri Karunakara G.

Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether the Panchayats in the country have not been given full functional, financial and administrative autonomy:

(b) if so, the reasons therefore;

(c) the details of States/UTs which have not devolved any fund to the Panchayati Raj Institutions; and

(d) the steps, the Government proposes to initiate to enable Panchayats to function as institution of Self Government?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR)

(a) Yes Sir. The devolution of powers has been uneven across States and in no State could it be said that Panchayats have fully attained the status of `institutions of self government` as stipulated in Article 243 G of Part IX of the Constitution entitled ` The Panchayats`.

(b) Panchayati Raj is a State subject under Schedule VII of the Constitution. Article 243 G of the Constitution states that the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level subject to such conditions as may be specified therein. Considering the wide range of circumstances prevailing in States, it is indeed a fact that devolution has been uneven. Some of the reasons for such uneven devolution are as follows:

(i) Delays seen over the period since the enactment of the 73rd Amendment to the Constitution, in the conduct of elections to Panchayati Raj Institutions in several States, even after passage of Panchayati Raj Legislations in the States concerned.

(ii) Lack of .role clarity caused by devolution of subjects without specifying as to which activity relating to the subject concerned ought to be undertaken at each level of Panchayats, through a process of Activity Mapping.

(iii) Mismatch between devolution of functions to Panchayats and the placement of funds and functionaries with them to effectively perform the devolved activity;

(iv)Non constitution of District Planning Committees as mandated by Article 243 ZD of the Constitution and poorly functioning DPCs even in States where they are constituted.

(c) The information is being obtained from the States and would be placed on the table of the House.

(d) The Ministry has taken several steps to enable Panchayats to function as institutions of local self government and proposes to continue these initiatives during the current year. Some of these steps are:

To provide an impetus to the implementation of Part IX of the Constitution in letter and spirit by States, the Ministry of Panchayati Raj convened seven Round Tables of State Ministers in charge of Panchayati Raj between July and December, 2004 and evolved, by consensus, a set of around 150 points for action, which have been put together in a compendium that was adopted unanimously at the conclusion of the last Round Table in Jaipur. The joint programme of action seeks to ensure that on the basis of Activity Mapping, Panchayats at various levels are devolved with funds, functions and functionaries to enable them to emerge as institutions of self-government.

A Council of State Ministers of Panchayati Raj under the Chairmanship of the Union Minister for Panchayati Raj has been constituted to review the implementation of the recommendations. The first meeting of the Council was held on 5th - 6th August, 2005 at Kochi, Kerala and the second meeting is scheduled to be held at Bhubaneswar in June, 2006. A Committee of Chief Secretaries of States and State Panchayati Raj Secretaries has also been constituted under the Chairmanship of the Secretary, Ministry of Panchayati Raj to monitor the progress on the implementation of the 150 recommendations of the Seven Round Tables and the decisions of the Council of State Ministers of Panchayati Raj. Five review meetings of the Committee have so far been held in April, 2005, June, 2005, September, 2005, November 2005 and April, 2006. The sixth meeting is scheduled for June, 2006.

With a view to interacting with Panchayats and carrying out a review with the authorities concerned of the progress in implementing the points for action mutually agreed upon in the Round Tables, a process of visiting the States and UTs at the level of Union Minister for Panchayati Raj has been initiated. Twelve States and two Union Territories have been covered so far, including Karnataka, West Bengal, Uttaranchal, Haryana, Chhattisgarh, Orissa, Arunachal Pradesh, Rajasthan, Goa, Sikkim, Andhra Pradesh, Punjab, Chandigarh and Lakshadweep. Each visit is concluded with a Statement of Conclusions jointly signed by the Union Minister with the Chief Minister of the State concerned, highlighting the key points of action on which the State would move to operationalise the recommendations of the Round Tables. (In the case of Union Territories, the Statement of Conclusions is signed with the Authority concerned, such as the Administrator or Minister of State in the Union Ministry of Home Affairs.)

The Ministry is pursuing Activity Mapping by the States so that it is clearly specified as to which activity relating to the subjects devolved to Panchayats ought to be undertaken at each level of Panchayats. The effort is to see that Activity Mapping touches all levels of the Government and is strictly based on the principle of Subsidiarity and the assignment of activities is followed by a matching transfer of funds pertaining to that activity to the Panchayats concerned and by the devolution of functionaries.

The Ministry is also pursuing the States to constitute District Planning Committees in accordance with Article 243 ZD of the Constitution so that the district planning mechanism is re-oriented to ensure the centrality of Panchayats in participative planning from the village level upwards. In this regard, the Ministry had set up an Expert Planning Group in May, 2005 on grass root level planning under the Chairpersonship of Shri V. Ramachandran. The expert group has given its report and steps are being taken to operationalise its recommendations.

An exercise is also underway to review different statutes with a view to harmonise them with the provisions of Part IX of the Constitution. Similarly, the guidelines of Centrally S ponsored Schemes are being reviewed to ensure the centrality of Panchayats in planning and implementation. As regards new Centrally Sponsored Schemes, wherever relevant, it is proposed to provide for a central role for Panchayats. Thus, for example, the National Rural Employment Guarantee Act provides for the Panchayats to be the `principal authorities` for the planning and implementation of schemes under the Act. Steps are also being taken to fill in critical gaps in infrastructure and capacity so that Panchayats can effectively fulfill their constitutional role.

The Ministry is reviewing the implementation of Panchayats (Extension to the Scheduled Areas), Act 1996 (PESA) which is applicable for Schedule V Areas, All the States having Schedule V Areas have enacted conformity legislation in accordance with PESA. The conformity legislation and other subject legislations of these States and some of the Central Legislations of relevance are being examined with the assistance of the Department of Legal Affairs and the Indian Law Institute. The States and the corresponding Central Ministries would be advised to incorporate suitable amendments which will emerge after such examination. There is continuous interaction with States with regard to the implementation of PESA in letter and spirit.